

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW L. VALENTINE,
Plaintiff,

v.

JOSEPH M. LYNCH, et al.,
Defendants.

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CIVIL ACTION NO. 18-4733

FILED

NOV 26 2018

ORDER

By KATE B. HANNA, Clerk
Dep. Clerk

AND NOW, this 26th day of November, 2018, upon consideration of Plaintiff Andrew L.

Valentine's Motion to Proceed *In Forma Pauperis*, (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.

2. Plaintiff Andrew L. Valentine, #18-05815, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Valentine, an initial partial filing fee of \$19.58 is assessed. The Warden or other appropriate official at the Montgomery County Correctional Facility or at any other prison at which Valentine may be incarcerated is directed to deduct \$19.58 from Valentine's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-4733. In each succeeding month when the amount in Valentine's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Valentine's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-4733.

3. The Clerk of Court is directed to send a copy of this Order to the Warden of the Montgomery County Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

6. Valentine is given leave to file an amended complaint within thirty (30) days of the date of this Order. If Valentine files an amended complaint, he must identify all the defendants in the caption of the amended complaint. The amended complaint must also describe how each defendant was responsible for violating Valentine's rights and should not rely on or refer to the initial Complaint to state a claim. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

7. The Clerk of Court is **DIRECTED** to send Valentine a blank form complaint to be used by a prisoner filing a civil rights action. The Clerk of Court shall write the civil action number of this case on the form. Valentine may use this form to file an amended complaint if he chooses to do so.

8. If Valentine fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:



GERALD A. MCHUGH, J.